

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CONNECTOR CASTINGS, INC.,)	
)	Case No.: 4:17-cv-1204
Plaintiff,)	
)	Removed from the Circuit Court for the
vs.)	Eleventh Judicial Circuit
)	County of St. Charles, State of Missouri
NEWBURG ROAD LUMBER CO., INC.,)	Case No. 1711-CC00069
)	
Defendant.)	JURY TRIAL DEMANDED

NOTICE OF REMOVAL

COMES NOW Defendant Newburg Road Lumber Co., Inc. (“Newburg”), and hereby gives notice of the removal of this action from the Circuit Court of the County of St. Charles, State of Missouri, to the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. §§ 1441.

1. On January 24, 2017, Plaintiff filed this putative class action in the Circuit Court of the County of St. Charles, State of Missouri, where it is denominated Case No. 1711-CC00069.

2. Pursuant to 28 U.S.C § 1446(a), a true and correct copy of the state court case file is attached hereto as **Exhibit 1** and incorporated herein by reference. Exhibit 1 includes all process, pleadings, motions, and orders filed in this case.

3. Newburg was served with the Petition and Summons on February 27, 2017.

4. This Notice of Removal was timely filed. See 28 U.S.C. § 1446(b)(2) (stating that each defendant has 30 days after receipt by or service on that defendant of the initial pleading or summons to file a notice of removal).

5. Neither Newburg nor its attorneys has entered an appearance, filed any responsive pleadings, or filed any papers responding to the Petition in the state court.

6. This Notice of Removal is being filed in the United States District Court for the district in which the action is currently pending pursuant to 28 U.S.C. § 1441(a).

7. This action may be removed to this Court because federal question jurisdiction exists over this dispute pursuant to 28 U.S.C. § 1331.

8. Plaintiff alleges violations of the federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, and the regulations promulgated thereunder. The United States Supreme Court has unanimously held that federal courts have federal question jurisdiction over private TCPA suits. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740 (2012). Therefore, this action is one over which this Court has original jurisdiction under § 1331 and is one which may be removed pursuant to 28 U.S.C. § 1441.

9. Newburg will promptly give written notice of the filing of this Notice of Removal to all parties, and a copy of this Notice will be filed with the Clerk of the Circuit Court as required by 28 U.S.C. § 1446(d).

10. There are no other defendants named in this civil action; therefore, no further consents are necessary to the removal of this action.

WHEREFORE, Defendant Newburg hereby removes this proceeding from the Circuit Court of the County of St. Charles, State of Missouri, to this Court pursuant to 28 U.S.C. §§

1331, 1441, and 1446 and request that this Court take jurisdiction of this civil action to the exclusion of any further proceedings in state court.

Respectfully submitted,

Dated: March 29, 2017

GREENSFELDER, HEMKER & GALE, P.C.

By /s/ Mary Ann L. Wymore
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*Attorneys for Defendant Newburg Road Lumber
Co., Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that on this 29th day of March, 2017, the foregoing document was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Mary Ann L. Wymore